

AO 91 (Rev. 11/11) Criminal Complaint

~~United States District Court~~
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

FEB 06 2020

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America

v.

Arturo ONTIVEROS-BUENO (YOB: 1972) MX.

Irma ONTIVEROS DE RIVERA (YOB: 1965) MX.

Case No. M-20-0367-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 02/06/2020 in the county of Hidalgo in the
SOUTHERN District of TEXAS, the defendant(s) violated:

Code Section

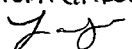
Offense Description

21 USC 846

Conspiracy to Commit Possession with Intent to Distribute knowingly and intentionally conspire to possess with the intent to distribute a controlled substance, approximately 19.05 kilograms of cocaine, a schedule II controlled substance

This criminal complaint is based on these facts:

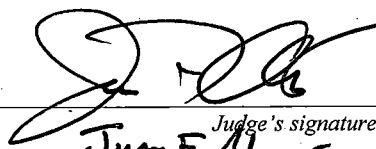
(SEE ATTACHMENT A)

☒ Continued on the attached sheet.Approved AUSA LAURA GARCIA

Complainant's signature

Ivanna Cali, DEA SA

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/06/2020 - 8:13 pmCity and state: McAllen, Texas
Judge's signature

Peter E. Ormsby, Magistrate Judge

Printed name and title

ATTACHMENT A

On February 6, 2020, DEA McAllen Agents were notified through a Source of Information (SOI) that a Maroon Chevrolet Traverse with Texas License plates (TARGET VEHICLE 1) was traveling from Cameron County Texas into Hidalgo County Texas to conduct a narcotics related transaction.

Agents observed TARGET VEHICLE 1 traveling westbound on Interstate 2, headed towards McAllen, Texas. The Driver to TARGET VEHICLE 1 was identified as Irma Ontiveros De RIVERA (RIVERA) the registered owner and the passenger was identified as Arturo ONTIVEROS-BUENO (ONTIVEROS-BUENO).

At approximately 6:00PM, TARGET VEHICLE 1 made its way to the McAllen La Plaza Mall where both were observed exiting TARGET VEHICLE 1 and entering the mall.

At approximately 6:11PM, both RIVERA and ONTIVEROS-BUENO exited the mall, walked into the parking lot and entered into a different parked vehicle, a gold Chevy Traverse with a Mexican License plate (TARGET VEHICLE 2). Intelligence gathered by Agents shows TARGET VEHICLE 2 had just crossed into the United States at approximately 5:16PM through the Hidalgo Port of Entry.

At approximately 6:29PM, Hidalgo County K-9 Officer conducted a traffic stop on TARGET VEHICLE 2 as it headed toward Mission, Texas where ONTIVEROS-BUENO was identified as the driver and RIVERA as the passenger.

ONTIVEROS-BUENO consented to a search of TARGET VEHICLE 2. The Officer ran his K-9 partner Asha, who positively alerted to the presence of narcotics within TARGET VEHICLE 2. The Officer noticed tampering within the front seat panel and trunk area. TARGET VEHICLE 2 was taken to the Anzalduas Port of entry in Mission, Texas for an X-raying of TARGET VEHICLE 2. Anomalies were discovered within the front right dashboard of TARGET VEHICLE 2. A search of the dashboard revealed an aftermarket compartment within the firewall containing 15 bundles wrapped in brown tape containing a white substance, which tested positive for cocaine with a combined weight of approximately 19.05 kilograms.

On the same date, DEA Special Agents (SA) conducted interviews of both.

Under rights, advisement, and waiver, ONTIVEROS-BUENO admitted to switching vehicles from TARGET VEHICLE 1 to TARGET VEHICLE 2 at the McAllen Mall. ONTIVEROS-BUENO stated that upon entering the McAllen Mall, he and RIVERA went to the food court and ate. ONTIVEROS-BUENO stated that TARGET VEHICLE 2 belonged to his cousin Martha, when asked what his cousin's last name was, ONTIVEROS-BUENO stated that he did not know his cousin's last name. Agents asked ONTIVEROS-BUENO where he met with his cousin to which, ONTIVEROS-BUENO stated that they were not able to meet her, but that she had offered for him to use her vehicle (TARGET VEHICLE 2) because his sister, RIVERA, was tired of driving and no longer wanted to use her personal vehicle (TARGET VEHICLE 1).

ONTIVEROS-BUENO gave consent to search his cell phone. Agents were unable to locate a contact for his cousin Martha nor was he able to claim any phone calls or text messages with his cousin to coordinate any meeting at the mall. Agents found audio recordings from a Mexican phone number giving ONTIVEROS-BUENO directions on where to find TARGET VEHICLE 2 additionally that same Mexican phone number provided a GPS location of TARGET Vehicle 2 in the parking lot, stating it was in the same location where the vehicle had been left the previous time.

In the audio recordings from the same Mexican phone number, ONTIVEROS-BUENO is instructed that the, "quinceañera" (15 year-old birthday party) is ready. When asked if he was going to a 15 year-old birthday party, he stated that he was not. The following message to ONTIVEROS-BUENO from the same Mexican Number, stated, to deliver the fifteen (15) uniforms. When asked about the uniforms, ONTIVEROS-BUENO stated he did not know anything about any uniforms. Through Agents experience and knowledge, the continued use of "quinceañera" (15th birthday) and 15 uniforms" is code for 15 packages of narcotics found within TARGET VEHICLE 2.

Under rights, advisement, and waiver, RIVERA stated to agents that she had driven TARGET VEHICLE 2 from Brownsville, Texas to McAllen, Texas. When asked if she had stopped anywhere en-route, RIVERA stated that she had not, then changed her statement and told Agents that she had stopped to put gasoline somewhere in Brownsville, Texas. RIVERA later changed her statement and stated that she had driven her personal vehicle TARGET VEHICLE 1 to the McAllen Mall. RIVERA stated she and her brother came from Brownsville to McAllen to buy a cell phone. RIVERA was asked what she did once she entered the mall to which RIVERA stated she and ONTIVEROS-BUENO went inside to use the restroom. Agents asked RIVERA if she stopped to eat at the food court to which RIVERA stated they had not. RIVERA then stated that when they left the mall, they left in a different vehicle, TARGET VEHICLE 2. RIVERA stated that TARGET VEHICLE 2 belonged to a male friend of ONTIVEROS-BUENO and that she did not find it weird that she and ONTIVEROS-BUENO switched to a different vehicle leaving behind her personal car in the mall parking lot.

RIVERA gave consent to a search of her cell phones. One of her cell phones showed approximately seven (7) missed calls from a Mexican phone number. All missed calls were within the timespan of the traffic stop. This Mexican phone number is the same number ONTIVEROS-BUENO was messaging and coordinating the pick-up of TARGET VEHICLE 2.